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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,148	06/15/2001	Robert L. Barrett	END920010071US1	7985

7590
IBM Corporation
N50/040-4
1701 North Street
Endicott, NY 13760

01/30/2006

EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/882,148	BARRETT ET AL.	
	Examiner	Art Unit	
	Romain Jeanty	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This Final Office Action is in response to the communication received on November 10, 2005. Claims 1-9 are pending in the application.

Response to Arguments

2. Applicants' arguments with respect to the 35 U.S.C. 101 rejection is found to be persuasive. The rejection is withdrawn.
3. Applicant's arguments with respect to the 35 U.S.C. 103 rejection filed November 10, 2005 have been fully considered but they are not persuasive. The rejection is maintained below

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stowell (US2002/0099579) in view of Najmi (U.S. Patent No. 6,687,848).

As per claims 1-2, and 9, Stowell discloses event-monitoring architecture for performance-based supply chain management method. In so doing, Stowell discloses defining an engagement model which will be used to address a marketplace requirement [0077], thereafter using said engagement model to create an industry-wide engagement template applicable to all businesses in said marketplace [0019], thereafter measuring, monitoring, and controlling a client

engagement [0020]. Stowell does not explicitly disclose the step of modifying said industry-wide engagement template to address requirements of a specific client within said marketplace and thereafter measuring, monitoring and controlling a client engagement based upon said modified industry-wide engagement template. Najmi in the same of endeavor, discloses the concept of using a modified template for monitoring business transaction between partners (col. 3, line 51 through col. 7 line 66. It would have been obvious to a person of ordinary skill in the art to modify the disclosures Stowell to include the teachings of Najmi because it would allow business partners to conduct reliable business transaction.

As per claim 3, Stowell further discloses using said engagement model to create a plurality of industry-wide engagement templates each said template applicable to all businesses in each of a respective plurality of industries in said marketplace [0019].

As per claim 4, Stowell further discloses wherein said generic engagement model includes definitions of best practices and reusable assets [0084].

As per claim 5, Stowell further discloses the step of creating attack, resource, and deployment plans for said client engagement using said modified industry-wide engagement template [0181].

As per claim 6, the method of claim 2, further including the step of cyclically redefining said modified industry-wide engagement template while deploying said work product descriptions [0074].

As per claim 7, Stowell further disclose step of allocating resources to further attack said marketplace requirement based upon said monitoring [0181].

Claim 8 recited the same limitation of claim 1 above; therefore is rejected under the same

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rationale relied upon claim 1 above. In addition, most computers comprise a computer readable medium.

Remarks

6. Applicants asserted that on page 2 that the 35 U.S.C. 101 rejection should be withdrawn. Applicants further supported their assertion that the Interim Guidelines that were issued after the present Office Action was mailed. The examiner agrees with applicants' arguments; and the 35 U.S.C. 101 rejection is withdrawn.

Applicants asserted that Stowell in view of Najmi does not teach the claimed invention. Applicants further supported their assertion by arguing that nowhere does Stowell describe the step of defining an engagement model of claim 1 and then using this engagement model to create an industry-wide engagement template. In response, examiner respectfully disagrees with applicants' argument because Stowell does disclose the use of an engagement model and create a template for monitoring the business engagement. Note Paragraph 0019 of Stowell.

Further, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the engagement module is made up of a process description and is implemented as a work breakdown structure made of phases, activities, tasks, work product description, techniques, and roles. The engagement model defines what gets produced over the project lifetime, the process structure, the roles required to perform the engagement, and the techniques to be used) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification,

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limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

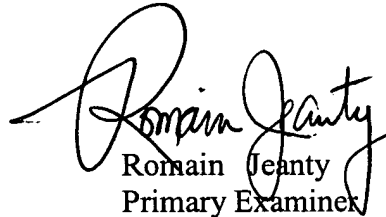
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 23, 2006



Romain Jeanty
Primary Examiner
Art Unit 3623